

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(EASTERN DIVISION)

JUSTIN COOK,

Plaintiff,

v.

CRUISE COMPET, LLC,  
HEIDI ALLISON-GARRET,  
ERIC BUSICK, and  
ROBERT A. LEVINSTEIN,

Defendants,

Civil Action No. 1:05-CV-10443-JLT

**MOTION TO REMAND TO MASSACHUSETTS SUPERIOR COURT**

The Plaintiff in the above entitled action respectfully requests that this court remand the above entitled action to Massachusetts Superior Court pursuant to 28 U.S.C. § 1447 (c), for lack of diversity jurisdiction as defined by 28 U.S.C. § 1332. The Plaintiff has attached a Memorandum in support of this motion and requests that this Honorable Court award all actual costs, including attorney fees incurred as a result of this removal pursuant to 28 U.S.C. § 1447 (c).

Respectfully submitted,  
PLAINTIFF, JUSTIN COOK  
By his attorney:



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Dated: April 6, 2005

**CERTIFICATE OF SERVICE**

I, Marc D. Padellaro, hereby certify that copies of the following documents were served via First Class Mail, postage prepaid, on the date listed below on the attorneys for the Defendant listed below:

Documents Served:

**Motion to Remand to Massachusetts Superior Court  
Plaintiff's Memorandum of Reasons in Support of His Motion to Remand to State Superior Court**

Served On:

Daniel C. Hohler, Esquire  
233 Needham Street, Suite 300  
Newton, MA 02464

  
Marc D. Padellaro, Esq.

Dated: April 6, 2005